IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 15507 of 2004

Between:

Pendem Prabhakar, Hindu, S/o Late Shankaraiah,
Brahmanapally, Gundala Mandal, Nalgonda District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Bhongir,Nalgonda.
2 The Mandal Revenue Officer, Gundala, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of a Mandamus declaring the action of the respondents in not implementing their own orders of the 1st respondent issued in Progs.No.F/1697/2004 dt.22-7-2004 and allot me essential commodities so as to enable me to distribute to the card holders in Brahmanapally Village, Gundala Mandal, Nalgonda District as illegal, arbitrary and consequently direct the respondents to implement the orders of the 1st respondent issued in Progs.No. F/1697/2004 dt.22-7-2004 and allot Essential Commodities to me to distribute the same to card holders in Brahmanapally village, Gundala Mandal, Nalgonda District.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.15507 OF 2004

ORDER:

The petitioner is a Fair Price Shop dealer of Brahmanapally village. It appears that the authorization of the petitioner was initially suspended, on the basis of a report of the Mandal Revenue Officer, Gundala, Nalgonda District pending enquiry into the alleged irregularities. The Revenue Divisional Officer, Bhongir having conducted the enquiry, by order dated 22-07-2004 restored the authorization of the petitioner duly dropping the charges, imposing a fine of Rs.1,000/- and with a warning that he should be careful in future. There was also a condition in the said order that the Mandal Revenue Officer, Gundala shall ensure the stock of 10 quintals of 'food for work' rice is physically available on ground which was said to be available with the dealer in his explanation and that the release orders may be issued in his favour after collecting the fine amount.

2. This writ petition has been filed on 30-08-2004 contending, *inter alia,* that in spite of the fact that he paid the penalty amount, the respondents failed to implement their own order dated 22-07-2004 and the release orders have not been issued in his favour.

3. On behalf of the respondents, a counter-affidavit has been filed by the Revenue Divisional Officer, Bhongir stating that though the petitioner has remitted the penalty of Rs.1000/- into the Government Treasury on 06-08-2004, and the original Challan was submitted in the office of the Mandal Revenue Officer only on 04-09-2004, much after the filing of the writ petition. It is also stated that in the enquiry conducted by the Mandal Revenue Officer, it was found that no ground balance of 10 quintals of 'food for work' rice is available in the fair price shop of the petitioner and that he has not produced the said rice till date. It is further stated that on the basis of a representation made by the Sarpanch of the village before the Joint Collector on 12-08-2004, against the

reinstatement of the petitioner, the Joint Collector instructed the Revenue Divisional Officer on 21-08-2004 to conduct an enquiry into the irregularities committed by the petitioner. The Revenue Divisional Officer in the enquiry dated 03-09-2004 recorded the statement of the card- holders, Sarpanch, Ward Members of the Gram Panchayat, Brahmanapally as well as the petitioner. The petitioner in his statement has admitted that he committed certain irregularities, and on 4-9-2004 the Revenue Divisional Officer has submitted the enquiry report to the Joint Collector and that the matter is pending consideration before the Joint Collector.

4. I have heard the learned counsel for the petitioner and the Government Pleader for respondents. In the light of the averments in the counter-affidavit filed by the Revenue Divisional Officer, it appears that the ground balance of 10 quintals of 'food for work' rice was not available in the fair price shop of the petitioner which was also one of the conditions as per the order dated 22-07-2004 while restoring the authorization. That apart, on the basis of the directions of the Joint Collector, the Revenue Divisional Officer appears to have conducted a further enquiry and after recording the statement of card holders as well as the petitioner, submitted a report before the Joint Collector and further enquiry is pending before the Joint Collector.

5. In the above circumstances and keeping in view the subsequent events, I deem it appropriate to grant leave and liberty to the petitioner to raise all the objections before the Joint Collector, in which event, the Joint Collector shall consider the same along with the report submitted by the Revenue Divisional Officer with regard to his enquiry conducted in the village on 03-09-2004, and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

6. The Writ Petition is accordingly disposed of. No costs.

G.ROHINI, J

13th September, 2004

SKM

To

1 The Revenue Divisional Officer, Bhongir,Nalgonda.
2 The Mandal Revenue Officer, Gundala, Nalgonda District.

3 Two C.Cs. to G.P. for Civil Supplies,

High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

4 Two C.D.copies.